

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-52 are pending. Claims 1, 18, 32, and 51-52 are independent. Claims 1, 7, 8, 18, 23, 24, 32, 44, 45, 51, and 52 are hereby amended. Support for this amendment is provided in the Specification as originally filed and specifically at pages 5-6.

No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §101**

Claims 1-17 were rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter.

Applicants respectfully disagree with the assertion in the Office Action that the Specification, specifically page 13, line 18-19, disclose that the invention can be realized in software alone. Applicants note that page 13, lines 18 and 19 of the Specification states that “various implementations of the invention are realized in **electronic hardware, computer**

**software, or combinations of these technologies.”** Clearly, this not an implementation “in software alone.”

### III. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-52 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,152,824 to Rothschild, et al. (hereinafter, merely “Rothschild”).

Claim 1 recites, *inter alia*:

“a request handler connected to said server controller for processing user requests received through said network connection,

wherein the environment information server periodically polls the one or more network environments and updates the environment information database with information regarding each of the one or more network environments, and

wherein said request handler exchanges data with said environment information database and returns, in response to a received request, an environment report of network environments selectable by the user for connection.”

(Emphasis added)

The present application generally relates to a network enabled game console connecting to an information server **before** connecting to a gaming environment for the purpose of retrieving information on available networks in order to connect to the most desirable network.

Specifically, Claim 1 relates to an environment information server which periodically connects to available gaming environments for the purpose of updating an environment information database. Before a client system randomly attempts to connect to a network environment, the client system is able to send a request for available network

environment information to the environment information server which has updated information on all the available network environments, and receive in return, a report comprising the updated information. The client system can then make the best decision on which environment to connect.

Rothschild relates to an online gaming system and process arranged in a client/server online gaming architecture utilized to run gaming programs.

In Rothschild a program on the client system is run. The program is referred to in Rothschild as the gizmo. The gizmo, first, gathers configuration files that are stored in volatile memory on the client system. These configuration files provide the program with addresses of known server computers. The program, now with a list of addresses of known server computers, begins to attempt to open a connection with each server computer in turn. Once connected to a server computer, the gizmo requests all the addresses of server computers that the connected server computer has. The gizmo then pings each server computer on the list to determine latency. A program (MCP) on the connected server computer and a program on a pinged server computer "enter into a negotiation as to which MCP the gizmo should use for game rendezvous purposes." If a better server computer is determined, the gizmo disconnects from the original and attempts to connect with the better server computer.

Applicants submit that Rothschild does not teach or suggest the features of claim 1, and therefore, does not render claim 1 unpatentable. In Rothschild, the client system attempts to connect with other server computers based on a list and continues moving down that list until successful. The ultimate connection is found by connecting and disconnecting and re-connecting as a determination of MCPs running on computer servers.

However, in the present application, a user requests, from an environment information server, the information regarding each of the network environments contained in that environment information server. The environment information server returns, to the user, information that allows the user to make an informed decision on which network environment to connect in a fast and efficient manner. The user only needs to receive the environment report and connect to one network environment.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, independent claims 18, 32, and 51-52 are also believed to be patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

**CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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